

REMARKS

Claims 1-27 are currently pending in the subject application, and are presently under consideration. Claims 1-27 are rejected. Claim 18 has been indicated as allowable. Claims 1 and 18 have been amended to correct informalities. These amendments do not further limit the claims. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

Applicant's representative would like to thank the Examiner for taking the time to discuss the application in the teleconference call on June 8, 2005. As discussed, terminal disclaimers are being submitted to overcome the judicially created doctrine of obviousness-type double patenting of claims 1-9. Additionally, the primary reference Caso was subject to an obligation of assignment and was commonly assigned to TRW, Inc. at the time the invention was made and at the time of the filing of the present application. Therefore, Caso is not prior art under 35 U.S.C. §103(c). Therefore, claims 10-17 should be allowable over the cited references. Additionally, the Examiner had inadvertently not addressed claims 19-27, which depend from allowable claim 18. Therefore, with the amendment to claim 18 to overcome the rejection under 35 U.S.C. §112, claims 18-27 should be allowable.

I. Rejection of Claims 1 and 18 Under 35 U.S.C. §112, Second Paragraph

Claims 1 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Particularly, claim 1 recites the limitation "said partially decoded data," for which there is insufficient antecedent basis, and claim 18 recites the limitation "the set of vector pairs of the burst," for which there is insufficient antecedent basis.

Claim 1 has been amended to delete the word "partially." Therefore, claim 1 should properly overcome the rejection under 35 U.S.C. §112, second paragraph. In addition, claim 18 has been amended to replace the indefinite article "the" with the definite article "a", therefore providing proper antecedent basis. Therefore, claim 18 should properly overcome the rejection

under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

II. Double Patenting

Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/005,063. Accordingly, a terminal disclaimer, in accordance with MPEP §804.02, is being submitted with this Office Action response for claims 1-9 in view of claims 1-9 of copending Application No. 10/005,063. Additionally, claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/004,773. Accordingly, a terminal disclaimer, in accordance with MPEP §804.02, is being submitted with this Office Action response for claims 1-9 in view of claims 1-9 of copending Application No. 10/004,773. Therefore, withdrawal of the rejection of claims 1-9 is respectfully requested.

III. Rejection of Claim 10 Under 35 U.S.C. §103(a)

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,236,687 to Caso, et al. ("Caso") in view of U.S. Patent No. 6,396,804 to Odenwalder ("Odenwalder"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

35 U.S.C. §103(c) states that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of [35 U.S.C.] shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Both the Present Application and the primary reference Caso were subject to an obligation of assignment and commonly assigned to TRW, Inc. at the time the invention was made and at the time of filing of the present application, and both the Present Application and Caso were subsequently assigned to Northrop Grumman

Corporation. Evidence for such common assignment further appears in the Specification of the present application: “[A]n improved decision directed phase locked loop (DD-PLL) has been proposed in U.S. Patent No. 6,236,687, commonly assigned to TRW, Inc., the assigned of this patent application, and hereby incorporated by reference in its entirety.” (Present Application, page 15, paragraph 0034). Accordingly, withdrawal of the rejection of claim 10, as well as claims 11-17 which depend therefrom, is respectfully requested.

IV. Rejection of Claims 11-17 Under 35 U.S.C. §103(a)

Claims 11-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Caso in view of Odenwalder as applied to claim 10 above, and further in view of U.S. Patent No. 5,983,385 to Khayrallah, et al. (“Khayrallah”). Claims 11-17 depend from claim 10. As described above, claim 10 is allowable because Caso was commonly assigned at the time the application was filed. Therefore, claims 11-17 are allowed over the cited art.

V. Allowable Subject Matter

Claim 18 has been indicated as allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, as set forth in the Office Action. As described above, claim 18 has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph. Therefore, claim 18, as well as claims 19-27 which depend therefrom, should be allowable over the cited art.

Serial No. 10/005,049

Docket No. NG(ST)6950

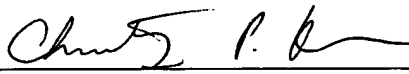
CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 6/9/05



Christopher P. Harris
Registration No. 43,660

CUSTOMER NO.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
526 SUPERIOR AVENUE, SUITE 1111
CLEVELAND, OHIO 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072